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The Nazis Among Us

By JOSEPH FOGEL

It is well known that after World War II many Nazi war criminals found refuge in Latin America. Former Gestapo chief Klaus Barbie lived in Bolivia from 1951 until his extradition in 1983 to France, where he awaits trial; Dr. Josef Mengele, who performed experimental operations on Auschwitz inmates and selected many for the gas chambers, is believed to be in Paraguay.

But it may come as a surprise to some that just after the war perhaps thousands of war criminals and collaborators entered the U.S. as well. How? "We invited them in," writes Allan A. Ryan Jr. in "Quiet Neighbors: Prosecuting Nazi War Criminals in America" (Harcourt Brace Jovanovich, 386 pages, \$15.95).

Mr. Ryan's numerous case histories and extensive documentation show that U.S. immigration policy actually favored war



Bookshelf

*"Quiet Neighbors:
Prosecuting Nazi War Criminals
in America"*

By Allan A. Ryan Jr.

criminals. He also tells how we finally embarked on the long legal road to prosecuting some of the Nazis in our midst.

Many war criminals took the same route to the U.S. as did legitimate refugees. They fled occupied Europe, settled in refugee camps, and then entered the U.S. under the Displaced Persons Act of 1948. This "brazenly discriminatory piece of legislation," as Mr. Ryan calls it, imposed quotas that favored ethnic groups littered with war criminals and set cutoff dates that excluded great numbers of Jews.

Once they were here, the former criminals "became model citizens and quiet neighbors." The U.S. in the '50s was preoccupied by the communist threat. The Nazi immigrants, anti-communist themselves, were left alone. Indeed, some anti-communist Byelorussian and other Nazi collaborators who came to the U.S. were recruited in Eastern Europe because of their value in intelligence work, something Mr. Ryan sidesteps (for a full account of this matter, see "The Belarus Secret" by John Loftus, Knopf, 1982).

By the '70s, however, the anti-communist fever in the U.S. had subsided and a new generation curious about the Holocaust had emerged. The subject flourished in schools, in publishing, on prime-time

television. Joshua Eilberg and Elizabeth Holtzman, members of Congress at the time, pressured the government to act. The result was the Office of Special Investigation, a Justice Department unit formed in 1979 to investigate and prosecute Nazis in America.

As director of the OSI until March 1983, Mr. Ryan helped reverse U.S. inaction and indifference toward known Nazi criminals living here illegally. The OSI's methods of investigation are painstaking, and its work continues today. The 50 lawyers, historians, investigators and support staff use a list of 50,000 SS officers and concentration-camp guards compiled by the SS and captured by the Allies. They interview the actual suspects, who, surprisingly, often provide damaging evidence against themselves. The lawyers sometimes receive help from famous Nazi-hunter Simon Wiesenthal and others.

In the book's most absorbing chapter, Mr. Ryan describes his attempt to gain vital cooperation from the Soviet Union, which in 1944 had captured the records of many Latvians, Lithuanians and Ukrainians who later came to America under the DP Act. The testimony of witnesses and colleagues living in Russia also was crucial. The Soviets, who "viewed those who collaborated with the Nazis as traitors," cooperated fully. Original documents were sent to the U.S. and, in a unique arrangement, depositions were videotaped in the U.S.S.R. with direct and cross examinations (defense counsel often flew in).

Even with help from the Russians, prosecuting Nazis is difficult, due partly to the many rights of U.S. citizens. Criminals cannot be tried here for crimes committed elsewhere, and they can be deported only if it can be proved that they lied in order to enter the country. "The process," prosecutor Ryan explains, "is an exceptionally slow one . . . a naturalized citizen determined to exhaust all his appeals can go before seven separate forums before he can actually be deported." The Supreme Court in 1966 also prohibited deportation without "clear and convincing" evidence, a burden heavier than other civil cases. Even when deportation is ordered, a country willing to accept the deportee must be found.

Despite the obstacles, the OSI has tried more than 50 denaturalization or deportation cases, and won more than 20. Some defendants have died or committed suicide, some cases are on appeal, some have been withdrawn by the OSI; few have been lost outright. Since Neal Sher took over the OSI two years ago, Feodor Fedorenko,

a guard at the Treblinka death camp, has been deported to the Soviet Union; Andrija Artukovic, interior minister of Croatia and one of the highest Nazi collaborators ever to enter the U.S., has been arrested and his extradition has been requested by Yugoslavia; and Arthur Rudolph, who developed the Saturn V moon rocket, and who was accused of working slave laborers to death at a rocket factory in the Dora concentration camp, has left voluntarily for West Germany.

More important than these individual cases, though, there has been a turnaround in the U.S. government's attitude toward former Nazis resident here. As Mr. Ryan points out, it is a late date to be calling these people to justice, but "It can be done. That is why it must be done."

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